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Proposed Policy Number and Title: 502 <i>Determination of Utah Resident Status for Tuition Purposes</i>		
Existing Policy Number and Title: 502 <i>Utah Residency Determination for Tuition Purposes</i>		
Approval Process*		
X Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
X Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: <u>Stage 4, November 23, 2014</u>		
President's Council Sponsor: <u>Michelle Taylor</u>		Ext. _____
Policy Steward: <u>Andrew Stone</u>		Ext. <u>6376</u>

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>06/12/2014</u></p> <p>University Entities Review Entrance Date: <u>08/14/2014</u></p> <p>University Community Review Entrance Date: <u>10/23/2014</u> Open Feedback: <u>10/23/2014</u> Close Feedback: <u>11/13/2014</u></p> <p>Board of Trustees Review Entrance Date: <u>11/20/2014</u> Approval Date: <u>MM/DD/YYYY</u></p>	<p style="text-align: center;">POST APPROVAL PROCESS</p> <p>Verify:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update <hr/> <p>Policy Office personnel who verified and posted this policy to the University Policy Manual</p> <p>Name: _____</p> <p>Date posted and verified: <u>MM/DD/YYYY</u></p>

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POLICY TITLE	Determination of Utah Resident Status for Tuition Purposes	Policy Number	502
Section	Student Affairs	Approval Date	
Subsection	Admissions, Enrollment, Tuition, and Commencement	Effective Date	
Responsible Office	Office of the Vice President of Student Affairs		

1.0 PURPOSE

1.1 The University affirms its compliance with federal and state law and Utah State Board of Regents' Policy R512 *Determination of Resident Status*. This policy establishes procedural guidelines for students and university personnel regarding applications for, and granting of, Utah residency for tuition purposes.

2.0 REFERENCES

2.1 Utah Code 53B-8-102 *Definition of Resident Student*

2.2 Utah Board of Regents' Policy R512 *Determination of Resident Status*

2.3 UVU Policy 501 *Undergraduate Admissions and Enrollment*

3.0 DEFINITIONS

3.1 Residency Appeals Committee: Committee appointed by the Vice President of Student Affairs and consists of employees representing Admissions, Financial Aid, Prospective Student Services, Registrar's Office, Finance and Business Services, and any other university department deemed appropriate by the Vice President of Student Affairs, as well as one student representative appointed by the UVUSA President.

4.0 POLICY

4.1. Utah Valley University classifies students as either residents or non-residents for tuition purposes in accordance with Utah Code 53B-8-102 and Board of Regents' Policy R512.

4.2. A student will be granted resident student status for tuition purposes if he or she

1) Is a U.S. Citizen or permanent resident, and

2) Has acquired domicile in Utah; or

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3) Has satisfied one or more of the exceptions set forth in Regent Policy R512.

4.3 Initial residency classification is determined at point of admission to the University. Every student classified as a nonresident shall retain that status until he or she is officially reclassified to resident status for tuition purposes.

4.4 Students classified as non-residents are charged non-resident tuition until the student has been awarded residency for tuition purposes.

4.5 The burden is on the student to prove that he or she is eligible for resident student status prior to the first day of classes for the term the student seeks to attend as a resident student.

4.6 Residency reclassification applications must be submitted in accordance to the dates published on the Office of Admissions webpage. A student shall be required to submit any or all of the verifying documentation within the residency application timeline. Residency reclassification cannot be applied to previous semesters.

4.7 The Residency Appeals Committee is responsible for final residency determinations as the last level approval in the appeals process.

5.0 PROCEDURES

5.1 Applications for residency reclassification must be

- 1) Submitted through the university student portal, and
- 2) Submitted on time, within the dates and deadlines outlined on the Office of Admissions webpage.

5.2 Residency reclassification applications will be reviewed by the Office of Admissions.

- 1) All applications will be reviewed for compliance with state residency guidelines outlined in Board of Regent Policy R512.
- 2) Reclassification determinations are made before the third week of each semester.
- 3) Students will be informed of residency decisions via their university email account.

5.3 In accordance with Board of Regents' Policy R512, students may appeal a residency reclassification decision.

- 1) First-level appeals can be submitted by the student to the Director of Admissions or designee within ten business days.



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2) If the student's first-level appeal to the Director of Admissions does not result in the overturn of a reclassification decision, the student can submit a second-level appeal in writing to the Residency Appeals Committee. The student appealing the decision shall have the responsibility to provide evidence that proves that he or she has met the residency requirements.

3) The Residency Appeals Committee shall consider the appeal and make a determination based upon oral and written proofs presented, and shall determine the status of the applicant in accordance with the law and Regent Policy R512. As the last level in the appeals process, the determination of the Residency Appeals Committee is the final decision. Students will be informed of the Residency Appeals Committee's decision in writing via email to their university email.

4) A decision based on an appeal of a residency reclassification shall be retroactive to the beginning of the academic period for which application for resident status was made and may require a refund of the nonresident portion of any tuition charges paid for that term. Appeals shall not be considered beyond sixty days after the start of the semester or block for which the residency reclassification was requested.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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POLICY TITLE	Utah Residency Determination for Tuition Purposes	Policy Number	502
Section	Student Affairs	Approval Date	July 17, 2003
Subsection	Admissions, Enrollment, Tuition, and Commencement	Effective Date	July 17, 2003
Responsible Office	Office of the Vice President of Student Affairs		

1.0 PURPOSE

2.0 REFERENCES

~~2.1 Utah State Code 53B-8-101~~

~~2.2 Utah State Code 53B-8-104~~

3.0 DEFINITIONS

4.0 POLICY

4.1 Utah Residency for Tuition Purposes

~~4.1.1 In order to qualify for residency status for tuition purposes, a person must demonstrate that Utah is the place where the person intends to remain and to which the person expects to return when leaving Utah without intending to establish a new domicile elsewhere.~~

4.2 Presumption of Nonresident Status

~~4.2.1 A person who enrolls as a postsecondary student at a Utah institution prior to living in Utah for more than 24 continuous months as a nonstudent is presumed to have moved to Utah for the purpose of attending an institution of higher education and is a nonresident for tuition purposes. It is presumed that a nonresident student continues to reside in Utah primarily for the purpose of pursuing higher education and continues to be a nonresident student so long as he or she is enrolled as a student at a Utah institution of higher education. The burden of rebutting these presumptions by application of one or more of sections 4.3, 4.4, 4.5, 4.6, 4.7, and establishing that he or she is in Utah for other than educational purposes is upon the person.~~

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4.3 Possible Rebuttal of Nonresident Presumption after Presence in Utah while Completing Sixty Semester Credit Hours or Equivalent

4.3.1 A person who has come to Utah and established residence for the purpose of attending an institution of higher education as a postsecondary student must maintain Utah residency status while completing 60 semester credit hours at a regionally accredited Utah higher education institution or an equivalent number of applicable contact hours at the Utah College of Applied Technology prior to registration as a resident student. Credit hours for graduate level courses numbered 6000 and above shall be multiplied by 1.5 in calculating the 60 semester credit hours. Credit hours earned while the student has tuition waived or reduced pursuant to 53B-8-101 and 53B-8-104 are included in the 60 semester credit hours. Also, the student must demonstrate by additional objective evidence (a) the establishment of a Utah domicile, and (b) that he or she has abandoned the previous domicile. Factors considered include:

- 1) Utah residency: The student shall be physically present in Utah while completing the 60 semester credit hours required.
- 2) Objective evidence of domiciliary intent: The person shall provide objective evidence of his or her intent to establish a Utah domicile through a preponderance of legal ties to Utah such as: Utah voter registration, Utah driver's license, Utah vehicle registration, employment in Utah, payment of Utah resident income taxes, Utah banking connections, and lease or purchase of Utah living quarters.

4.4 Rebuttal of Nonresident Presumption for Full-Time, Permanent Employment in Utah

4.4.1 A person who has established domicile in Utah for full-time, permanent employment may rebut the presumption of a nonresident classification as provided in 4.1.1 only by providing substantial credible evidence that the reason for the person's move to Utah was, in good faith, based on an employer requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time, permanent employment in Utah. All relevant evidence concerning the motivation for the move shall be considered, including, but not limited to, such factors as:

- 1) The person's employment and educational history;
- 2) The dates when Utah employment was first considered, offered, and accepted;
- 3) When the person moved to Utah;
- 4) The dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;



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- 5) Whether the person applied for admission to a USHE institution earlier than four months from the date of moving to Utah;
- 6) Evidence that the person is an independent person (at least 24 years of age or not listed as a dependent on someone else's tax forms); and
- 7) Any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education. As with all such applications, the burden of proof is on the applicant to rebut the presumption of nonresident status. Furthermore, if an applicant applies for admission to a Utah System of Higher Education (USHE) institution prior to the application for employment, prior to the offer of employment, prior to the commencement of employment, or within four months of moving to Utah, absent extraordinary evidence to the contrary, it shall be strongly presumed that the person came to Utah for the purpose of attending an institution of higher education and shall be subject to the requirements of sections 4.1.1 and 4.2.

4.5 Rebuttal of Nonresident Presumption for Spouse's or Parent's Full-time Work

4.5.1 A spouse or dependent child of an individual who establishes his or her domicile in Utah to work on a full-time permanent basis, is immediately eligible to register as a resident student. The spouse or dependent child must demonstrate objective evidence of domiciliary intent as provided in section 4.3.1, item 2.

4.6 Ties to Utah

4.6.1 A student does not lose Utah resident status solely by absence from the state.

4.6.2 A student who was a resident of Utah for tuition purposes may be absent from the state for purposes such as temporary employment, education, or religious, charitable, or military service, and continue to be considered a resident for tuition purposes provided he or she has not taken action to establish domicile elsewhere during his or her absence from Utah.

4.6.3 A student with long-term ties to Utah, who has graduated from a Utah high school, if the absence from the state is for a period of less than 48 months, may be considered a resident for tuition purposes, if evidence can be presented showing that the student reestablished a Utah domicile and has not taken action to establish domicile elsewhere during his or her absence from the state of Utah for the purpose of attending an education institution as a resident of any other state.

4.6.4 An unmarried person 23 years of age or younger who moves to Utah, has a Utah resident parent, and demonstrates objective evidence of domiciliary intent as provided in section 4.3.1 item 2, is immediately eligible to register as a resident student.



~~4.7 Social or Rehabilitation Services Agency Client~~

~~4.7.1 A person who has been determined by a Utah governmental social or rehabilitation services agency to be a Utah resident for purposes of receiving state aid to attend a system institution and demonstrates objective evidence of domiciliary intent as provided in section 4.3.1, item 2, is immediately eligible to register as a resident student. Upon the termination of such government agency support, the person is governed by the standards applicable to other persons.~~

~~4.8 Marriage to a Utah Resident~~

~~4.8.1 A person who marries a Utah resident is eligible to be a resident student under this policy and establishes his or her domicile in Utah as demonstrated by objective evidence as provided in section 4.3.1, item 2, is immediately eligible to register as a resident student.~~

~~4.9 Documentation of Status~~

~~4.9.1 The University, through its registrar or designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Utah. The burden of establishing that a student is in Utah for other than educational purposes is upon the student. A student may be required to file any or all of the following:~~

- ~~1) A statement from the student describing employment and expected sources of support;~~
- ~~2) A statement from the student's employer;~~
- ~~3) Supporting statements from persons who might be familiar with the family situation;~~
- ~~4) Utah state income tax return.~~

~~4.10 Penalties for Giving Incorrect or Misleading Information~~

~~4.10.1 A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the applicable nonresident fees for each term previously attended.~~

~~4.11 Military Personnel, Spouses, and Children~~

~~4.11.1 Personnel of the United States Armed Forces assigned to active duty in Utah and the immediate members of their families residing with them in this state shall be entitled to resident status for tuition purposes. Upon the termination of active duty status, such military personnel and their family members are governed by the standards applicable to non-military persons. The credit hours earned by the student at a Utah institution during the active duty in Utah counts~~



~~towards the 60 hours required for Utah residency for tuition purposes upon termination of active duty status in Utah.~~

4.12 Olympic Training Athletes

~~4.12.1 An athlete who is in residence in Utah to participate in a United States Olympic athlete training program at a facility in Utah approved by the governing body for the athlete's Olympic sport shall be entitled to resident status for tuition purposes. Upon the termination of the athlete's participation in such training program, the athlete shall be subject to the same residency standards applicable to other persons under this policy. The credit hours earned by the student at a Utah institution during the Olympic athlete training program in Utah count toward the 60 hours required for Utah residency for tuition purposes upon termination of the athlete's participation in an Olympic athlete training program in Utah.~~

4.13 Foreign Students

~~4.13.1 Aliens who are present in the United States on visitor, student, or other visas, which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore must be classified as nonresident.~~

~~4.13.2 Aliens who have been granted immigrant or permanent resident status in the United States shall be classified for the purposes of resident status according to the same criteria applicable to citizens.~~

4.14 American Indians

~~4.14.1 An American Indian, not otherwise qualified as a resident, shall be entitled to resident status if:~~

- ~~1) He or she is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah; or~~
- ~~2) He or she is a member of a federally recognized or known Utah tribe and has graduated from a high school in Utah.~~

4.15 General Provisions

4.15.1 Reclassification by the Institution

~~4.15.1.1 If a student is classified as a resident or granted residency by a USHE institution, the USHE institution may initiate a reclassification inquiry and in fact reclassify the student, based on any facts, error or changes in facts or status, which would justify such an inquiry, even if the error was on the part of the USHE institution.~~



4.15.2 Acceptance of Another Institution's Determination

~~4.15.2.1 A determination to grant residency to a student at a USHE institution shall be honored at other USHE institutions, unless the student obtained residency under false pretenses or the facts existing at the time of the granting of residency have significantly changed.~~

4.15.3 No Residency Determination for Short-Term, Non-Credit Training

~~4.15.3.1 An institution need not make a residency determination and classification for a student in a short-term, non-credit training class when the student is not pursuing a certificate or degree program.~~

5.0 PROCEDURES

5.1 Initial Classification

~~5.1.1 The University shall classify all applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant shall be classified as a nonresident.~~

5.2 Application for Reclassification

~~5.2.1 Every student classified as a nonresident shall retain that status until he or she is officially reclassified to resident status.~~

5.3 Informal Discussion with Responsible Officer

~~5.3.1 If a written application for a change from nonresident to resident classification is denied, the applicant shall have the right to meet with the responsible officer for the purpose of submitting additional information and discussing the merits of his or her application.~~

5.4 Appeals

~~5.4.1 An applicant for resident status may appeal an adverse ruling in accordance with the procedures approved by the University Board of Trustees. The appeal tribunal shall make an independent determination of the issues upon the basis of such oral and written proofs as may be presented and shall finally determine the status of the applicant consistent with the law and this policy.~~

5.5 Due Process

~~5.5.1 In order to provide due process to a student who may want to appeal decisions made concerning nonresident status, the University shall be responsible for providing a means for~~



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appeals to be made. The University shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:

- 1) Procedures for appeal shall be sent out in writing by the University.
- 2) The University shall provide a hearing officer or hearing committee with appropriate clerical and other services as necessary to the effective function of the hearing process.
- 3) The student appealing the decision shall have the responsibility of providing evidence that proves he or she has met the residency requirements. Students shall be given copies of the Board of Regents policies pertaining to determination of residency. The student shall also be given an explanation of the rationale of the decision maker who previously ruled that the student was classified as nonresident.
- 4) Both the student and the administration's representative are entitled to representation by counsel.
- 5) Oral and written evidence may be presented. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared.
- 6) It is not required that formal rules of evidence be followed. Administrative hearing rules may be used.
- 7) Decisions of the appeals tribunal must be in writing and must give reasons for the decision.

5.6 Refund

5.6.1 A ruling favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity